



MIKE DRISCOLL  
county attorney

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Opinion Committee

September 18, 1992

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The Honorable Dan Morales  
Attorney General of Texas  
Supreme Court Building  
P.O. Box 12548  
Austin Texas 78711

CMRRR# P 837 724 778

RE: Do-Not-Resuscitate orders ("DNR")

Dear General Morales:

The Harris County Hospital District has requested that the County Attorney of Harris County obtain an opinion of your office on the following questions:

1. When no advance directives exist, does Texas law require a physician to consult with and obtain consent from the family of an incompetent patient before prescribing a Do-Not-Resuscitate Order for a patient for whom resuscitation is of limited or no medical benefit? Can a family's wishes that "everything should be done" for a patient be overruled by the physician without consent and consultation with the family when these wishes are inconsistent with the physician's medical judgment?

2. If resuscitation is of limited or no medical benefit to a patient, is this procedure a "life-sustaining procedure" as defined by the Texas Natural Death Act?

3. Does section 672.021 of the Texas Natural Death Act provide the Texas Natural Death Act is not the exclusive standard for evaluating the need for consent to withdraw or withhold emergency procedures and that other areas of Texas law must be examined to determine the standards for consent to the withholding or withdrawing of emergency care such as resuscitation?


MBJ  
ID# 17412  
file# ML-17412-92

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page 2

Enclosed please find our memorandum brief. Please furnish your opinions of the questions presented. In as much as this is an extremely important issue in health care, the Harris County Hospital District requests expedited handling of this matter.

Sincerely,

MIKE DRISCOLL

By:   
Dori Wind  
Division Chief  
Assistant County Attorney